

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

FEIN, SUCH, KAHN & SHEPARD PC
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SUN WEST MORTGAGE COMPANY, INC.
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In Re:

SIRAD D SUMMERLIN and
NATASHA S SUMMERLIN fka
NATASHA SCARANNI

Debtor(s).



Order Filed on February 8, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-14374 MBK
Chapter: 13

Hearing Date: N/A

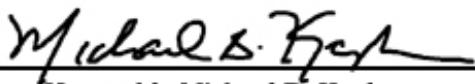
Judge: Honorable Michael B.
Kaplan

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: February 8, 2019


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant:	SUN WEST MORTGAGE COMPANY, INC.
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	JUSTIN M GILLMAN
Property Involved (Collateral")	13 RIDGE AVENUE SAYREVILLE, NJ 08872

Relief sought:

- ☒ Creditor's Certification of Default
- ☐ Motion for relief from the automatic stay
- ☐ Motion to dismiss
- ☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for arrears from prior Agreed Order in the amount of \$606.47 with \$2.22 in suspense.
- ☐ The Debtor is assessed for N/A late charges at N/A per month.
- ☒ Applicant acknowledges receipt of funds in the amount of \$3,037.85 received after the Certification of Default was filed.

Total Arrearages Due \$604.25.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$604.25. Payment shall be made no later than February 1, 2019.
- ☒ Beginning on February 1, 2019, regular monthly mortgage payments shall continue to be made in the amount of \$1,822.71.
- ☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.
- ☐ The amount of \$N/A shall be capitalized in the Debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Sun West Mortgage Company, Inc.
c/o Fein, Such, Kahn & Shepard P.C.
7 Century Drive Suite 201,
Parsippany, NJ 07054
- ☒ Regular monthly payment: Sun West Mortgage Company, Inc.
P.O. Box 6007
Artesia, CA 90702-6007
- ☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$N/A.

The fees and costs are payable:

- ☒ through the Chapter 13 plan.
- ☐ to the Secured Creditor within _____ days.
- ☐ Attorneys' fees are not awarded.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Sirad D Summerlin
Natasha S Summerlin
Debtors

Case No. 18-14374-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 08, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 10, 2019.
db/jdb +Sirad D Summerlin, Natasha S Summerlin, 13 Ridge Avenue, Sayreville, NJ 08872-1929

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 10, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 8, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Jill Manzo on behalf of Creditor SUN WEST MORTGAGE COMPANY, INC. bankruptcy@feinsuch.com
Joseph Andrew Kutschman, III on behalf of Creditor Three Pence Brooke Condominium Association, Inc. jkutschman@cutolobarros.com
Justin M Gillman on behalf of Debtor Sirad D Summerlin ecf@gbclawgroup.com,
r47252@notify.bestcase.com,5326@notices.nextchapterbk.com
Justin M Gillman on behalf of Joint Debtor Natasha S Summerlin ecf@gbclawgroup.com,
r47252@notify.bestcase.com,5326@notices.nextchapterbk.com
Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor CitiMortgage, Inc. ecf@powerskirk.com
William M.E. Powers, III on behalf of Creditor CitiMortgage, Inc. ecf@powerskirk.com
TOTAL: 10